IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 371 OF 1995

1. Anant Namu Hajare
2. Smt. Bamibai Genu Gaikwad
3. Smt. Anandi Kisan Phadke
4. Smt. Kalubai Namu Najare ..Appellants

versus

The State of Maharashtra ..Respondents

Mr. R. S. Datar for the Appellants.

Mr. S. N. Gawade A.G.P. for the Respondents - State.

CORAM : D. G. DESHPANDE,J.

DATE : 19TH JANUARY,2005

ORAL ORDER :

1. Heard learned counsel for the appellants - claimants and learned AGP for the State - Respondents.

2. Land of the claimants situate at Village Taloja, Tal : Panvel, Dist : Raigad, was acquired. The Notification under Section 4 was dated 3.2.1970. Not satisfied by the compensation awarded by the

SLAO claimants filed Reference No.307 of 1986 before the Additional District Judge Raigad, at Alibag and after considering all the relevant factors compensation at Rs.15/- per sq, meter was granted in respect of 7310 sq. meters land, which was acquired. This appeal is filed by the appellants for enhancement.

3. However, counsel for the appellants relied upon the Judgment of the Division Bench in First Appeal No. 875 of 1985 along with 30 other Appeals and my attention was drawn to paragraph 8 of the said judgment wherein the Division Bench considered the compensation to be awarded to the land acquired from Village Taloja where criteria applied by the Division Bench was the proximity of the acquired land from the National Highway and compensation from Rs.18/- to Rs.25/- was fixed depending upon the proximity in different Appeals.

4. The learned counsel for the Appellants contended that though there is no specific evidence in this case adduced by the claimants to show the proximity, considering the fact that the land is from the same village Taloja there would not be much difference in proximity of the land with the National Highway i.e. Pune Bombay Highway, the claimants are entitled for enhancement. How much

enhancement was to be granted was left by him to the court.

5. The learned AGP conceded that since judgment has considered the price of the land acquired from the Village Taloja and since a particular standard or test has been applied i.e. proximity of the land to the National Highway the same could be applied in this case also.

6. In view of these submissions the only thing that is required to be considered is how much compensation the claimants are entitled to i.e. how much enhancement they are entitled to. Admittedly the land is situate in Village Taloja but the proximity of the land to the National Highway would differ depending upon the situation. But considering the fact that the land is from village Taloja, in my opinion Rs.18/- per sq. meter would be proper compensation.

7. In the result, the Appeal is partly allowed. Compensation awarded to the claimants is enhanced from Rs.15/- per sq. meter to Rs.18/- per sq. meter with consequential increase in other benefits granted by the lower court. No order as to costs.

19.1.2005 (D.G. DESHPANDE, J.)